

(A) a private business entity, if disclosure of the information would give advantage to a competitor; or

(B) a business entity whose securities are publicly traded, if the investment or potential investment is not required to be registered under the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.), and its subsequent amendments, and if disclosure of the information would give advantage to a competitor; or

(2) question the employees of the Texas growth fund or the third party regarding an investment or potential investment described by Subdivision (1), if disclosure of the information contained in the questions or answers would give advantage to a competitor.

(b) During a conference under Subsection (a), members of the board of trustees of the Texas growth fund ~~[governmental body]~~ may not deliberate public business or agency policy that affects public business.

(c) In this section, "Texas growth fund" means the fund created by Section 70, Article XVI, Texas Constitution.

SECTION 3. Section 551.144, Government Code, is amended by adding Subsection (c) to read as follows:

(c) It is an affirmative defense to prosecution under Subsection (a) that the member of the governmental body acted in reasonable reliance on a court order or a written interpretation of this chapter contained in an opinion of a court of record, the attorney general, or the attorney for the governmental body.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 13, 1999, by a non-record vote; the House concurred in Senate amendments to H.B. No. 156 on May 22, 1999, by a non-record vote; passed by the Senate, with amendments, on May 19, 1999: Yeas 29, Nays 0.

Approved June 18, 1999.

Effective August 30, 1999, 90 days after date of adjournment.

## CHAPTER 648

### H.B. No. 160

#### AN ACT

relating to the regulation of certain sales or solicitations made by children; providing a penalty.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter B, Chapter 51, Labor Code, is amended by adding Section 51.0145 to read as follows:

Sec. 51.0145. **USE OF CHILD FOR SALES AND SOLICITATION.** (a) For purposes of this section:

(1) "Exempt organization" means:

(A) a charitable organization, as defined by Section 84.003, Civil Practice and Remedies Code;

(B) an organization regulated under Title 15, Election Code; or

(C) a club, organization, or other group engaged in a fund-raising activity for the club, organization, or group if the activity is sponsored by a public or private primary or secondary school.

(2) "Solicit" means an action of a person to:

(A) sell goods or services in a setting other than a retail establishment;

(B) request donations; or

(C) distribute items, information, or advertising.

(b) *The employment of a child to solicit is a hazardous occupation for purposes of this chapter.*

(c) *A person may not employ a child to solicit unless the person:*

(1) *at least seven days before the date the child begins employment, obtains on a form approved by the commission the signed consent of a parent of the child or of a conservator, guardian, or other person who has possession of the child under a court order;*

(2) *provides to the individual who gives consent:*

(A) *a map of the route the child will follow during each solicitation trip; and*

(B) *the name of each individual who will be supervising each solicitation trip;*

(3) *provides at each location where children will be engaged to solicit at least one adult supervisor for every three children engaged in that solicitation trip; and*

(4) *limits each solicitation trip to:*

(A) *no later than 7 p.m. on a day when the child is legally required to attend school; and*

(B) *the hours between 10 a.m. and 7 p.m. on all other days.*

(d) *The commission may make additional requirements by rule for a person employing a child under this section to protect the safety, health, or well-being of the child.*

(e) *This section does not apply to an exempt organization or a business owned or operated by a parent, conservator, guardian, or other person who has possession of the child under a court order.*

(f) *A person commits an offense if the person employs a child in violation of this section or a rule adopted under this section.*

SECTION 2. Section 51.031(b), Labor Code, is amended to read as follows:

(b) An offense under Section 51.014(d) or Section 51.0145 is a Class A misdemeanor.

SECTION 3. This Act takes effect September 1, 1999.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 27, 1999, by a non-record vote; the House concurred in Senate amendments to H.B. No. 160 on May 26, 1999, by a non-record vote; passed by the Senate, with amendments, on May 24, 1999, by a viva-voce vote.

Approved June 18, 1999.

Effective September 1, 1999.

## CHAPTER 649

### H.B. No. 163

#### AN ACT

relating to the offense of possession of a controlled substance or dangerous drug in a correctional facility.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 38.11(d), Penal Code, is amended to read as follows:

(d) A person commits an offense if the person possesses a controlled substance or dangerous drug while:

(1) on property owned, used, or controlled by the Texas Department of Criminal Justice;

or